IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.510 OF 2005

Vinita Lakhotia .. Petitioner.
V/s.
P.K. Srivastava, Deputy Commr. of Income-tax, Central Circle 34, Mumbai & Others .. Respondents.

Mr.A.K. Jasani for the petitioner.
Mr.R.V. Desai, senior counsel with Mr.R. Asokan for the respondents.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 1ST MARCH, 2005.

P.C. :

Heard learned counsel for the petitioner and the respondents. Rule. Rule made returnable forthwith. The learned counsel for the respondents waives service. By consent taken up for final hearing at this stage.

2. In the above writ petition, the petitioner has filed an appeal before the Commissioner of Income Tax (Appeals) against the assessment order dated January 31, 2000 for the block period from April 1, 1987 to November 11, 1997. The said appeal is pending before the Commissioner of Income Tax (Appeals) since 2000. In the above appeal, the stay applications were rejected as far back as on November 8, 2000 by the Tax Recovery Officer, Central-III,

Mumbai, thereafter by the Deputy Commissioner of Income Tax, Central Circle-34, Mumbai on November 10, 2000 and subsequently by the Commissioner of Income Tax, Central Circle-III vide its order dated January 25, 2001.

3. However, for the last 4-5 years though the appeal has been taken up for hearing, no coercive measures were adopted. In spite the stay being denied as far back as in 2000, the revenue has not taken any steps to recover the dues. Having regard to the fact that the stay has been denied 4-5 years back, we direct the Commissioner of Income Tax (Appeals) to hear the above appeal expeditiously and in any event within a period of three months from today.

4. Under the aforesaid facts and circumstances of the case till final hearing and disposal of the above appeal, the respondents are directed to maintain status-quo.

5. Rule made absolute in above terms.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)